

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	09/623,910-Conf. #9259
	Filing Date	November 13, 2000
	First Named Inventor	Ralf-Peter PETERS
	Art Unit	1743
	Examiner Name	L. Alexander
Total Number of Pages in This Submission	Attorney Docket Number	0179-0164P

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of Substance of Interview
<div style="border: 1px solid black; padding: 5px; width: 150px; float: left;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BIRCH, STEWART, KOLASCH & BIRCH, LLP		
Signature			
Printed name	Marc S. Weiner		
Date	Sept. 5, 2007	Reg. No.	32,181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ralf-Peter PETERS, et al.

Application No.: 09/623,910

Confirmation No.: 9259

Filed: November 13, 2000

Art Unit: 1743

For: SAMPLE SUPPORT

Examiner: L. ALEXANDER

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 31, 2007, a telephonic interview was conducted involving Examiner Alexander and Applicants' representative, Richard Gallagher. The discussion concerned the Examiner's remark on the last page of the Advisory Action that "a terminal disclaimer is required to overcome the Double Patenting rejection." Applicants' representative reiterated the position that in the present situation – even if it is accepted that the invention of the present application and US 7,094,354 B2 are somehow in conflict – there would be no extension of patent term because a patent granted on this (earlier) application will expire before the normal expiration of the patent. Following consultation with his supervisor (Miss Jill Warden), Examiner Alexander indicated that the concern in this case is not term extension, but instead the portion of the terminal disclaimer which provides that any patent


granted on the application shall be enforceable only for and during such period that the legal title to the patent issuing from the application is in the same name as the legal title to the reference patent.

Applicants reiterate their position that the invention claimed in the present application does not conflict in any way with the invention claimed in US 7,094,354 B2 .

If there are questions concerning this application, the Examiner is invited to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

Dated: Sept. 5, 2007

Respectfully submitted,

By  #28,781
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
Falls Church, Virginia
(703) 205-8000
Attorney for Applicant